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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/889,398 | 07/17/2001 | Jonathan Kahn | 9761730-0005 | 3970 |

7590 04/27/2004

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| EXAMINER |
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MCFADDEN, SUSAN IRIS

| ART UNIT | PAPER NUMBER |
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2655

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,398

Applicant(s)

KAHN ET AL.

Examiner

Susan McFadden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on IDS filed 3-8-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-19, and 21-24 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (6,122,613).

In regard to claims 1,19, Baker show in Figure 3, a system and method for speech recognition for automating transcription services comprising: means for receiving a voice dictation file from a current user (item 301), first means for automatically converting the voice dictation file into a written text having conversion variables (item 317), second means for automatically converting the voice dictation file into a written text having a different set of conversion variables (item 309), means for manually editing a copy of the first and second written texts to create a verbatim text of the voice dictation file (item 313).

In regard to claims 4,5,7,8,9,10,11,12,13,14,15,16, and 21-24, Baker show that the first and second converting means comprises a preexisting speech recognition program intended for human interactive use (inherent in a speech recognizer, Fig. 3, items 317,309) and the difference between the first and second sets of conversion variables is preexisting speech recognition program comprising said first and second

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automatic speech converting means (Abstract, inherent in performance characteristics – settings, language model, specialized language model, preprocessing audio).

In regard to claims 6, Baker show in Figure 2, that the automatic speech converting system means is selected from a group of Dragon products (col. 1-2).

In regard to claims 17 and 18, Baker show that there can be means for training the automatic speech converting means (col. 9, ln 35-41).

Allowable Subject Matter

3. Claims 2,3, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Baker, show that it is well known to use 2 different speech recognizers in an automatic transcription system. The prior art of record does not show or suggest means for sequentially comparing a copy of the first written text with the second written text resulting in a sequential list of unmatched words culled from the copy of the first written text, having a beginning, end and current unmatched word, means for incrementally searching for the current unmatched word within a first buffer, means for correcting said current unmatched word in the second buffer and displaying the current unmatched word in a visually isolated way from the other text in the copy and means for playing a portion of the synchronized voice dictation recording from the first buffer associated with the current unmatched word.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

April 22, 2004